

Notice of Allowability

Application No.

09/880,078

Examiner

Nga B. Nguyen

Applicant(s)

BURNS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on March 23, 2007.
2. ☒ The allowed claim(s) is/are 55-89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/23/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office Action is the answer to the RCE filed on March 23, 2007, which paper has been placed of record in the file.
2. Claims 55-89 are pending in this application.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the telephone interview with Mr. Mark Triplett on October 30, 2006.

Claim 56 has been amended as follow:

Deleting the words "claim 55", after the words "method of", in line 2;

Inserting after the words "method of" in line 2, the phrases: "processing and displaying market data associated with a trading strategy involving at least two commodities being traded electronically on at least one electronic exchange, the instructions comprising:

receiving a first market data feed corresponding to a first commodity from at least one electronic exchange, wherein the first market data feed comprises price information for the first commodity;

receiving a second market data feed corresponding to a second commodity from at least one electronic exchange, wherein the second market data feed comprises price information for the second commodity;

displaying a price axis corresponding to a plurality of prices representing the trading strategy, wherein the plurality of prices representing the trading strategy are calculated using the price information from the first market data feed and the second market data feed;

dynamically displaying a first indicator at a first area in relation to a first price level on the price axis, the first indicator being associated with a highest bid price currently available to buy according to the trading strategy; and

dynamically displaying a second indicator at a second area in relation to a second price level on the price axis, the second indicator being associated with a lowest ask price currently available to sell according to the trading strategy.”

Allowable Subject Matter/Reasons for Allowance

4. Claims **55** and **78** are allowed over the prior arts cited records.

The closest prior art is:

Buist (US 6,408,282) discloses a visual quote and order book display for use in user-to-user after hours trading, and for display of national market information. The Buist's display is designed to provide a high-level view of the stock and its relative movement compared to the previous market and the user's position. The Buist's display contains the price spread corresponding to **a price difference between the current**

bid price and the current ask price for the same stock. Buist then allows compression of the prices between the best bid and the best ask. Buist does not describe or suggest displaying market data associated with ***a trading strategy involving at least two commodities*** as called for in the Applicant's currently pending independent claims 55, 56 and 78. In addition claims 55, 56 and 78 call for displaying a price axis corresponding to a plurality of prices representing the trading strategy or a spread, wherein the plurality of prices are calculated using price information from a first market data corresponding to a first commodity and a second market data corresponding to a second commodity. Rather, Buist only shows a price spread corresponding to a single stock, where the price spread, as defined in Buist, is a price difference between the current bid price and a current ask price of the single stock. Also, Buist does not describe or suggest the use of a first indicator and a second indicator, where the first indicator is associated with a highest bid price currently available to buy according to the trading strategy, and where the second indicator is associated with a lowest ask price currently available to sell according to the trading strategy, as claimed in the Applicant's independent claims 55 and 56, and similar indicators associated with the calculated highest bid price and lowest ask price available for the spread, as in claim 78.

Therefore, it is clear from the description of Buist, that the prior art does not considered the possibility of: *displaying a price axis corresponding to a plurality of prices representing the trading strategy, wherein the plurality of prices representing the trading strategy are calculated using the price information from the first market data feed and*

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the second market data feed; dynamically displaying a first indicator at a first area in relation to a first price level on the price axis, the first indicator being associated with a highest bid price currently available to buy according to the trading strategy; and dynamically displaying a second indicator at a second area in relation to a second price level on the price axis, the second indicator being associated with a lowest ask price currently available to sell according to the trading strategy, as included in claims 55 and 56, calculating a highest bid price and a lowest ask price available for a spread based on the first and second market data; dynamically displaying a first indicator in relation to a first price level on a common price axis, the first indicator being associated with the calculated highest bid price available for the spread; and dynamically displaying a second indicator in relation to a second price level on the common price axis, the second indicator being associated with the calculated lowest ask price available for the spread., as included in claim 78.

5. Claims (57-77) and (79-89), are allowed because they are dependent claims of the allowable independents 55 and 78 above, in that order.

Conclusion

6. Claims **55-89** are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231


Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

March 27, 2007